

AMENDED IN SENATE SEPTEMBER 2, 2009

AMENDED IN SENATE AUGUST 17, 2009

AMENDED IN SENATE JUNE 25, 2009

AMENDED IN SENATE JUNE 9, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1440

Introduced by Assembly Member Swanson

February 27, 2009

An act to add Section 14313 to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1440, as amended, Swanson. Elections: provisional ballots.

Existing law requires that a provisional ballot be issued to a voter claiming to be properly registered but whose qualification or entitlement to vote cannot be immediately established upon examination of the index of registration or records on file with the county elections official.

This bill would require a county elections official to issue a provisional ballot, including any materials necessary to process the ballot, to an emergency worker, as defined. The bill would require the county elections official to transmit the ballot to the county where the voter is registered and would specify requirements for the ballot to be counted and the ballot materials to be preserved.

Because the bill would increase duties of local elections officials, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14313 is added to the Elections Code, to
2 read:

3 14313. (a) Upon the declaration of a state of emergency by
4 the Governor *and the issuance of an executive order authorizing*
5 *an emergency worker to cast a ballot outside of his or her home*
6 *precinct*, elections officials in the counties included in the executive
7 order shall, upon demand, issue to an emergency worker a
8 provisional ballot that may be identical to the provisional ballot
9 offered to other voters in the county, using a process to be
10 determined by the elections official. The elections official shall
11 transmit for processing any ballot cast, including any materials
12 necessary to process the ballot, pursuant to this section to the
13 elections official in the county where the voter is registered to
14 vote.

15 (b) To be counted, a ballot cast pursuant to this section shall
16 satisfy both of the following requirements:

17 (1) Be cast by the voter no later than the close of the polls on
18 election day.

19 (2) Be received by the county elections official where the voter
20 is registered on or before the 10th day following the date of the
21 election.

22 ~~(3)~~

23 (c) Upon receipt of the returned ballot, the elections official
24 shall process the ballot pursuant to the procedures in subdivision
25 (c) of Section 14310.

26 ~~(e)~~

27 (d) If the requirements in ~~paragraphs (1), (2), and (3) of~~
28 ~~subdivision (b) subdivisions (b) and (c)~~ are met and the ballot is

1 eligible to be counted, the ballot shall be duplicated and all other
2 materials preserved according to the procedures set forth in this
3 code.

4 ~~(d)~~

5 (e) “Emergency worker” for the purposes of this section means
6 a person who is officially engaged in responding to the proclaimed
7 state of emergency and whose vocation has been identified in ~~the~~
8 ~~Governor’s~~ *an* executive order ~~proclaiming~~ *relating to* the state of
9 emergency.

10 SEC. 2. If the Commission on State Mandates determines that
11 this act contains costs mandated by the state, reimbursement to
12 local agencies and school districts for those costs shall be made
13 pursuant to Part 7 (commencing with Section 17500) of Division
14 4 of Title 2 of the Government Code.